

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**BRYAN S. SMITH,**

**07 CV 3053 (NG) (LB)**

**Plaintiff,**

**- against -**

**ORDER**

**JETBLUE AIRWAYS,**

**Defendant.**

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**GERSHON, United States District Judge:**

Magistrate Judge Lois Bloom scheduled an initial conference in this case for September 10, 2007. Without contacting the court or defendant's attorney, plaintiff failed to appear at the conference. By order dated September 12, 2007, Judge Bloom ordered plaintiff to show cause in writing why he failed to appear. In that same order, Judge Bloom rescheduled the initial conference for October 23, 2007, but warned plaintiff that the court would dismiss this case if plaintiff failed to show good cause for his failure to appear or if he failed to timely appear at the rescheduled conference. In derogation of Judge Bloom's order, plaintiff did not submit to the court a writing explaining his absence at the September 10, 2007 conference. Nor did he appear at the October 23, 2007 conference.

On October 23, 2007, in open court, Judge Bloom recommended that this action be dismissed pursuant to Rule 37(b)(2)(c) of the Federal Rules of Civil Procedure for plaintiff's failure to comply with the court's September 12, 2007 order. Judge Bloom's report and recommendation is adopted in full. Accordingly, this case is dismissed. The Clerk of Court is directed to close this case.

**SO ORDERED.**

/s

**NINA GERSHON**  
**United States District Judge**

Dated: December 13, 2007  
Brooklyn, New York